

REMARKS

Claims 1-5 and 7-16 are currently pending. Claims 14-16 are previously withdrawn from consideration. By this Amendment, the specification and claims 1 and 5 are amended. Reconsideration in view of the above-outlined amendments and the following remarks are respectfully requested.

Claims 1-5 and 7-13 were rejected under 35 U.S.C. § 102(b) over US Patent No. 3836,123 to Bausenbach et al. ("Bausenbach"). This rejection is respectfully traversed.

Bausenbach does not disclose the subject matter of amended claim 1. Amended claim 1 is directed to a guide for a rope or chain comprising a base plate, an arcuate first arm pivotally connected to the base plate, an arcuate second arm pivotally connected to the first arm and so as in a rest position to form an acute angle with the first arm, wherein the arcuate second arm is pivotally connected to the first arm at a location spaced from the pivotal connection between the arcuate first arm and the base plate; and biasing means between the base plate and the second arm.

Bausenbach discloses a winch follower assembly 10 for a motor-driven winch 12. To prevent slack between coils at a cable 50 and a grooved surface of a sleeve 40, a winch follower 72 is provided. The follower 72 includes an upper jaw 74 having a pair of struts 80 and 82. The follower 72 also includes a lower jaw 76 having struts 86 and 88. As shown in Figs. 1, 4 and 5, the struts 80, 82, 86 and 88 are interleaved. The jaws 74 and 76 are pivotally connected by shaft 92 (See col. 4, lines 18-21). The jaws 74 and 76 are biased towards one another by a spring means, which includes a retaining rod 100 that passes through links 84 and 90 in the upper and lower jaws 74 and 76. Lock nuts 102 and 104 prevent removal of the retaining rod 100. A tension spring 106 biased the lower jaw 76 to the upper jaw 74.

Bausenbach does not disclose the invention set forth in claim 1. Bausenbach does not disclose an arcuate first arm that is pivotally connected to the base plate. The Office Action alleges that Bausenbach discloses a base plate 22, 24. Applicant questions whether a cross brace can be considered a base plate. Nonetheless, the cross brace 22 of Bausenbach is not pivotally connected to an arcuate first arm. Other than the contact between slide pad 112 and the upper bar 24 of the cross brace 22, there is no connection between these components let alone a pivotal connection. The follower 72 of Bausenbach clamps the cable 50 to the sleeve 40. There is no connection between follower 72 and the rigid frame 14. Accordingly, Bausenbach does not disclose, teach or suggest the claimed arcuate first arm pivotally

connected to the base plate. Furthermore, there is no disclosure of an arcuate second arm pivotally connected to the first arm at a location spaced from the pivotal connection between the arcuate first arm and the base plate. Bausenbach also fails to disclose the claimed biasing means. The only biasing means in Bausenbach is the spring 106 which acts to bias the jaws 74 and 76 together. The spring 106 of Bausenbach is not connected to the cross brace 22. Accordingly, Bausenbach fails to disclose, teach, or suggest the subject matter of claim 1. Claims 2-4 and 13 depend from claim 1 and are allowable for at least the same reasons.

Bausenbach also fails to disclose the subject matter of amended claim 5. Amended claim 5 is directed to a guide for a rope or chain. The guide includes a base plate and arm pivotally connected to the base plate. A biasing means is located between the base plate and the arm. An elongate pressure member is pivotally mounted on the arm. As discussed above in connection with claim 1, Bausenbach fails to disclose a base plate that is pivotally connected to an arm. Furthermore, as discussed above, Bausenbach fails to disclose a biasing means between the base plate and the arm. Instead, Bausenbach includes a spring 106 to bias the jaws 74 and 76. Finally, Bausenbach fails to disclose an elongate pressure member. Bausenbach disclose a plurality of rollers 78 that are rotatably connected to the jaws 74 and 76. The rollers 78 are placed between the narrow space between the struts 80, 82, 86 and 88. The rollers 78 are not elongate. Accordingly, Bausenbach fails to disclose, teach or suggest the subject matter of amended claim 5. Claims 7-12 depend from claim 5 and are allowable for at least the same reasons.

Applicant respectfully submits that the claims define subject matter, which is patentable over the prior art of record. Should any issues require further resolution, the Examiner is requested to telephone applicant's undersigned attorney to discuss and resolve the issues. Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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